

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL BRANNAN, individually, as
Administrator of the estate of BARBARA
BRANNAN, deceased, and as Parent and
Natural Guardian for his minor children S.B.
and R.B.,

Plaintiffs,

v.

NORTHWEST PERMANENTE, P.C.;
KAISER FOUNDATION HEALTH PLAN OF
THE NORTHWEST; MINDY ROTHBARD,
M.D.; and MIKE G. LIN, M.D.,

Defendants.

Case No. C05-5157FDB


ORDER DENYING MOTION FOR
RECONSIDERATION

Defendants move for reconsideration of Order Granting Plaintiffs' Motion To Strike Dr. John Coombs. Defendants submit a retrieved electronic message from Plaintiffs' counsel that states: "Without agreeing that you get a rebuttal to a rebuttal (Dr. Miller) please get the report to me by the end of the month and I will not object on grounds of timeliness. ..." (Defendants' Reconsideration Motion, p. 2.) Defendants argue that because timeliness was a critical part of this Court's decision, they now move for reconsideration.

The Court, however, included in its order the fact that Dr. Coombs was designated as a sur-rebuttal witness to Dr. Miller who is the rebuttal witness to Dr. Nedrow, and noted there was no agreement or leave of court to name such sur-rebuttal witness. Defendants' motion must be denied.

1 NOW, THEREFORE, IT IS ORDERED: Defendants' Motion for Reconsideration [Dkt. #
2 131] is DENIED.

3 DATED this 3rd day of October, 2006.

4 
5 _____
6 FRANKLIN D. BURGESS
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25